

REMARKS

Claims 1-5, 8-25 and 30-41 are pending upon entry of the present amendment.

Claim 30 was allowed. Applicants thank the Examiner for the allowance of claim 30. Claims 32, 38, and 39 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claim. Applicants have amended claims 32 and 38 in independent form to include all the limitations of the base claims and any intervening claim. Claim 39 now depends from independent claim 38.

Claims 1-5 and 8-15 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,698,333 to Halliday (“the ‘333 patent”). Claims 1-5, 8-25, 31, and 33-37 were rejected under 35 U.S.C. 102(b) as being anticipated by EP638486 (“the EPO publication”).

Claim 1 has been amended to recite that the manifold chamber extends completely around a periphery of the storage chamber. Claim 25 has been amended to recite that the inflow of aqueous medium is into a manifold chamber and the outflow of beverage is from a central discharge chamber surrounded by the manifold chamber. Claim 31 has been amended to recite that the discharge chamber is surrounded by the manifold chamber. Claim 33 has been amended to recite that the manifold chamber encircles the storage chamber.

The ‘333 patent and the EPO publication disclose only a channel that extends along three or fewer sides of the compartment and the discharge chamber. (Col. 3, II. 37-40 (the ‘333 patent); col. 3, II. 20-23 (the EPO publication).) Thus, the channels disclosed in both the ‘333 patent and the EPO publication do not extend completely around or encircle a periphery of the compartment. Likewise, the channels in both the ‘333 patent and the EPO publication do not surround a discharge chamber.

Claims 40 and 41 were rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. The Office Action indicated that the specification fails to provide support for the “sealing surface” and the “piercing location” as recited in claim 40. Claim 40 has been amended to “wherein the first portion of the lid is pierceable in use and is sealed to a cylindrical

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wall of an inlet chamber." Support for this amendment can be found in Applicants' specification at page 19, lines 15-29 (¶ 100 of the published application). Dependent claim 39 has been amended to be consistent with claim 40

For the reasons set forth above, claims 1-5, 8-25 and 30-41 are believed to be allowable over the cited references, and reconsideration and allowance of claims 1-5, 8-25 and 30-41 are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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